



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

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APPROVED

Board of Selectmen Meeting Minutes

Monday, August 29, 2011 at 6:00 P.M.

Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectwoman Elizabeth Coughlin, Selectman Corliss Lambert

Member Absent: Selectman Allen Curseaden

Staff Present: Michael Gilleberto Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

1. 6:00 PM Open Meeting/Pledge of Allegiance

The Chairman called the meeting to order. The Board was introduced, the Pledge to the Flag, and the Agenda was read by the Clerk of the Board.

2. 6:05 PM Pole Petitions - Indian Lane and Frost Road

The Chairman opened the hearing, the Board voted 4-0 on a motion by Selectman Lambert, second by Selectman Jackson to waive the reading of the legal notices, and further the Board voted 4-0 on a motion by Selectman Lambert, second by Selectman Jackson to waive the reading of the abutters list. The Chairman invited the Verizon Representative, Joe Gleason, to come forward and present the petitions. Two poles are to be placed on Indian Lane and one pole on Frost Road, to accommodate the realignment of the Blvd. this petition is an amendment to the petitions heard one month earlier. There were no abutters present to speak for or against the petition. The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to close the hearing and to approve the two petitions as presented.

3. 6:20 PM License Transfer - The Club Inc, DBA The Club, 130 Frost Road.

The Chair called the hearing to order, the Clerk read the hearing notice. The Chairman read the procedures the Board will follow during this hearing. Attorney Peter Nicosia introduced Attorney Jonathan Gold, the attorney for the new business, Mr. Robert Kopelman who is the principle and will be manager of record of the Club. Attorney Nicosia is representing Mr. Kopelman on the liquor license transfer. Attorney Nicosia presented the petitioner's request for a transfer of the all alcoholic beverages license, the common victualler license and the weekday and Sunday entertainment license from the present owner Tyngsboro Entertainment Inc DBA the Blue Moon to the proposed new owners, The Club, Inc DBA The Club with Robert Kopelman as the manager. The licenses will remain the same type as what is issued to Tyngsboro Entertainment, Inc. the business hours will remain the same. Mr. Kopelman has some experience in operating a restaurant, he operated a similar business in Fitchburg but due to some business matters did not follow through. Mr. Kopelman has been informed of all laws and requirements of owning the license. All of the information is included in the application package. There was discussion if a new license is issued does the current license expire so that there will not be two licenses issued at the same location. The agreement is if any license is issued, the license could be conditional on the revocation of the current license. The Attorney Nicosia does not represent the seller and cannot stipulate to the present licenses being revoked. The Chairman asked if there were any residents in attendance who wish to speak for or against the transfer of the liquor license, no one came forward to speak in

favor. Mr. Donato Dirocco came forward to speak against the issuance of the adult entertainment license because of the zoning issue. The Chairman invited Attorney Silverstein to speak to the zoning issue. Attorney Silverstein reviewed the adult entertainment zoning district of the Town and has also reviewed the State Zoning Code on adult entertaining, citing chapters and sections. Attorney Nicosia has reviewed the Blue Moon records and he feels the zoning would be grandfathered, he has submitted documents this evening addressing the grandfathering. The Board Chairman after carefully listening to all of the arguments and with a member missing, and the importance of this decision the Chairman asked if Attorney Nicosia and his client would agree to a continuance of this hearing, the Board has received new information and would like to review. The Board voted 4-0 on a motion by Selectwoman Coughlin, second by Selectman Lambert for a 5 minute recess (8:15 PM). Attorney Nicosia conferred with his client. The Board returned to open session (8:25 PM). Attorney Nicosia and his client returned to the meeting and informed the Board that they agree to the continuation providing the Board votes on all the licenses at that time. The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to continue this hearing to Monday September 12, 2011 at 6:15 PM at the Town Hall Offices, at which time all licenses will be voted on.

4. New Businesses

A. Sealer of Weights and Measures - Appointment

The Administrator spoke on the appointment of the Sealer of Weights and Measures; this is an opportunity for the town to enter into a regionalization plan with other communities through NMCOG for a fee of \$5,000. The agent who was servicing Tyngsborough has retired. The Board voted 4-0 on a motion by Selectman Lambert for discussion, second by Selectwoman Coughlin to enter into an agreement with NMCOG for services subject to the terms and to authorize the Town Administrator to sign the contract at the \$5,000 fee. Discussion: The Board has asked the Administrator to meet with NMCOG to discuss and set a fair fee structure.

5. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

A. Joseph Paquette regarding Thirsty's

Mr. Paquette asked to meet with the Board to discuss the ongoing issues with the establishment in his neighborhood. He wanted to ask questions about how to resolve the problem. The Chairman informed Mr. Paquette that the Board was not prepared to answer any questions this evening and a legal hearing would be needed to discuss the issues with the owners of the establishment.

6. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at www.tyngsboroughma.gov. Copies of correspondence may be requested from the Office of the Board of Selectmen.

The Board Clerk read the correspondence as written. Discussion: a letter was submitted by a resident asking for information regarding the media account. The letter is under review. There will be a dedication of the Brian Kinney fields. Mr. Kinney was very active in youth baseball, Mr. Kinney died in the tragic plane crash on September 11. The Chief wrote letters of commendation for the officers involved in the drug raid. A resident sent a letter commending our Media Director for his continued updates on the website during the hurricane. There was an announcement for the first upcoming Choate Memorial Gold Tournament, and an announcement for the public meeting at the NMCOG on Transportation on Wed Sept 9, 2011. The City of Nashua in conjunction with NMCOG has received a planning grant from the Federal Highway Administration for the funding of the north bound exit 36 ramp and for an intermodal transportation facility. The Board voted 4-0 on a motion by Selectman Lambert, second by Selectman Jackson to accept the correspondence as read.

7. Selectmen's Reports

- Selectman Coughlin – Energy & Envir Affairs/Licenses/Insp/Util/Transportation

During storm emergencies please stay off the roads and pay attention to barricades. The State and Federal Government has declared a state of emergency for Massachusetts. The EEAC has opened the insulation Bids and were reviewed, the bid will be awarded this week and the work will be done in September, the DCAM regulation to review all projects has been met. The Cable Ascertainment hearing is scheduled for Thursday, September 22 at the Town Hall. The Highway Department has located a hybrid truck consistent with our Vehicle Policy the funding for purchase will come from Chapter 90 funding. The Board voted 4-0 on a motion by Selectwoman Coughlin, second by Selectman Lambert to move forward to purchase a hybrid truck for the Highway Department.

- Selectman Reault – Northern Middlesex Council Of Government

The Bridge and the Pawtucket Relocation is in full force. New Hampshire and Massachusetts have received a grant for the study of the north bound ramp off Rte 3 and for an intermodal station. The storm crew was out in full force during the hurricane and the Administrator has put in 2-16 hour days to work with the emergency crews. Please contact our Media Director with any information to help improve any posting.

- Selectman Jackson – Insurance Committee/Meeting Minute Status

The Insurance Committee is meeting on Wed Sept 7 at 6:30PM to complete the report that will be presented to the Board. A personal thank you to all involved in emergency services, it is noted and appreciated.

- Selectman Curseaden – Technology, Pawtucket Blvd Project, Abandoned Homes
Selectman Curseaden was absent.

• Selectman Lambert - I attended the wildlife walk on the nature reserve land that borders the Tyngsborough and Dunstable line. It was a grazing field that is no longer in use and the land became uninhabitable for small wildlife. The State agency worked for 5 years it bringing it back so that the wildlife would return. The Town has missed the brunt of the hurricane. The emergency Preparedness response was outstanding and the response was quick, thank you.

8. Town Administrator's Reports

The storm relating recovery is ongoing, National Grid is working to restore all power that was lost. The Town is advocating expediency from the utilities. I have been in communication with Senator Donoghue's and Representative Garry's Offices for assistance. Exercise caution as school is now in session.

9. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters. The Board voted on a motion by Selectman Jackson, second by Selectman Lambert to enter into Executive Session to discuss strategy with respect to collective bargaining, as an open meeting may have a detrimental effect on such subject matters and to return to open session only to adjourn. Roll Call Vote: Selectman Lambert, yes; Selectwoman Coughlin, yes; Selectman Jackson, yes; Selectman Reault, yes.

The Board entered into executive session at 9:30 P.M.

- Collective Bargaining
- Pending Litigation

10. Adjournment

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to adjourn the meeting. The meeting adjourned at 9:45 PM.

Respectfully submitted
Therese Gay, Admin Assist

Approved on Monday, March 12, 2012



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- Selectman Jackson – Insurance Committee/Meeting Minute Status
- Selectman Curseaden – Technology, Pawtucket Blvd Project, Abandoned Homes
- Selectman Lambert -

8. Town Administrator's Reports

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

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- Collective Bargaining
- Pending Litigation

10. Adjournment

Future Meetings

*****Town Offices and Non-Emergency Services Closed Monday, September 5, 2011 in Observance of Labor Day*****

Selectmen's Meeting, Monday, September 12, 2011 at 6:00 PM at the Town Offices

Cable Ascertainment Hearing, Thursday, September 22, 2011 at 6:00 pm at the Town Offices